

PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201	<u>6-42</u>
Acceptance Date:	<u>12/4/15</u>
Website Posting Date:	<u>12/6/15</u>
Determination Date:	<u>12/4/15</u>
Planning Commission Date:	<u>NA</u>
Expiration Date:	<u>12/4/16</u>
Planner Assigned:	<u>[Signature]</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	<u>JOANNE MONTGOMERY</u>
Mailing Address:	<u>2658 PUUHOLO ROAD</u> <u>KOLOA, HI 96756</u>
Phone:	<u>808-639-6396</u>
Email:	<u>joanne3455@comcast.net</u>
Applicant's Status: (Check one)	
<input checked="" type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date:	<u>MARCH 23, 2015</u>

Project Information (attach additional sheets, if necessary)	
County Zoning District:	<u>R-4</u>
Tax Map Key(s):	<u>2-6-007: 011</u>
Land Area:	<u>5450 S.F.</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>INTERIOR RENOVATION ON EXISTING RESIDENCE & GARAGE</u> <u>pm</u>

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

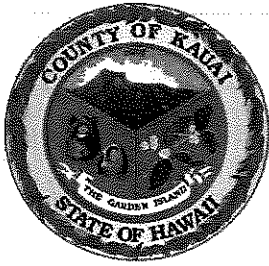
Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

☐ Properties Abutting the Shoreline
☐ Project's approximate distance from shoreline: _____

☒ Properties Not Abutting the Shoreline
☒ Project's approximate distance from shoreline: +/- 200'

☒ Additional Information:
☒ Closest distance of improvement(s) from Shoreline is approximately 200 ft.
☒ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

2 PARCELS BETWEEN PROPERTY AND OCEAN. PROPERTY ABUTS WAIKOMO STREAM.



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Planning Commission Date: _____

Expiration Date: _____

Planner Assigned: _____

- ☐ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

FLAT @ EXIST'G. BLOSS. ROOF @ WAIKOMO STREAM

- ☐ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

(NOT ON SHORELINE)

- ☐ Artificially armored Shoreline

☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____

☐ Is the armoring permitted/authorized? _____

☐ Date of authorization (attach copy of authorization letter): _____

- ☐ Is property in coastal floodplain (if checked, what zone)? _____

- ☐ Has this property been subject to coastal hazards in the past? (If checked, please describe)

If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kaua'i harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).

Applicant's Signature

Danne Montgomery

Signature

Date

9-2-15

Applicability (to be completed by Planning Department)



Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.

[Signature]

Planning Director or designee

12/4/15

Date

PROJECT DESCRIPTION

This project involve renovations to an existing 2-story residence and garage building at Poipu, Kauai, Hawaii, that presently functions as a Transient Vacation Rental. Based on the following Lot Coverage calculations, the current lot coverage for both buildings is at 35.8%. The renovation is planned to reduce the overall footprint of the buildings and reduce the Lot Coverage to 27.7%.

LOT COVERAGE

LAND AREA 5,449 SF

	<u>EXISTING</u>	<u>PROPOSED</u>
1. MAIN RESIDENCE		
LIVING AREA:	837 sf	837 + 64 added = 901 sf
CONC. APRON	84 sf	84 sf
FRONT DECK	203 sf	(To be demo'd.) -203 sf
REAR DECK	<u>104 sf</u>	<u>104+40 added = 144 sf</u>
		New conc. slab/ land'gs.added 83+11+14 = <u>108 sf</u>
	1,228 sf	1,034 sf
2. GARAGE/WKSHOP/STO.		
PARKING/WORKSHOP	413 sf	413 sf
STORAGE RM.	38 sf	convert to bath +13 sf
BATHROOM	50 sf	to be demo'd. -50 sf
DECK	<u>72 sf</u>	to be demo'd. -72 sf
		<u>Entry Addition +20 sf</u>
TOTAL GARAGE AREA:	573 sf	324 sf
3. ROCK WALL	152 sf	<u>152 sf</u>
TOTAL EXIST'G LOT COV:.....1,953 sf		TOTAL PROP. LOT COV. 1,510 sf
or <u>35.8%</u>.		or <u>27.7%</u>.

The renovations are described as follows:

A. Main Residence Lower Level:

The renovation removes an existing Front Lanai, remodels the Kitchen and Bedroom #2, relocates the Laundry Room and Front Door, widens the Hallway, and adds an outside BBQ grille. However, due to the removal of the front deck, the overall footprint of the main residence has been reduced from 1,228 s.f. to 1,034 s.f.

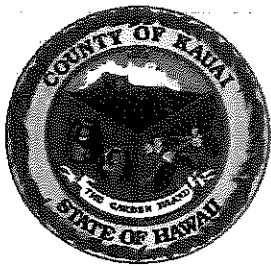
B. Main Residence Upper Level:

The renovation replaces the framing members of the rear deck, widens the wall at the Master bedroom, removes an existing kitchenette, widens the wall and converts it into a Master Bath.

C. Garage: Lower Level:

The existing right side deck and existing bathroom are removed; the bath being relocated to the rear of the garage where the existing storage room is located, and made larger. The entry to the storage area has been relocated to the right side, where the existing deck and bath was previously located. An existing sink and counter at the rear has been relocated to the front of the building. The overall footprint of the garage has been reduced from 573 s.f. to 324 s.f. due to the removal of the deck and the relocation of the bathroom.

D. Garage Attic: (No Change)



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

Exemption Determination

☒ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))

☐ **Exemption 1**

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☐ **Exemption 2**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

☒ **Exemption 3** 6

Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)

☐ Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

Exemption Determination (to be completed by Planning Department)

Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.


Planning Director or designee

12/4/15
Date

Bernard P. Carvalho, Jr.
Mayor



Larry Dill, P.E.
County Engineer

Nadine K. Nakamura
Managing Director

Lyle Tabata
Deputy County Engineer

DEPARTMENT OF PUBLIC WORKS

County of Kaua'i, State of Hawai'i

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766
TEL (808) 241-4992 FAX (808) 241-6604

November 24, 2015

Avery Youn
4-1525 Kuhio Highway
Kapa'a, HI 96746

Subject: SHORELINE SETBACK SUBSTANTIAL IMPROVEMENT
DETERMINATION
TMK: (4) 2-6-007: 011
2658 Puuholo Road, Poipu, Kauai

Dear Mr. Youn,

The Kauai County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 979) Section 8-27.2 defines substantial improvement as "any cumulative series of repairs, reconstruction, improvements, or additions to a structure over a ten (10) year period, where the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the first improvement during that ten (10) year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure."

The Department of Public Works Engineering Division has reviewed the information provided in your letter dated October 23, 2015 and has determined that the proposed improvements do not constitute a substantial improvement. The letter included a draft of the shoreline setback application, an appraisal performed by Katherine A. Lewi, and a construction cost estimate. A summary of the calculations follows.

Market Value

There are no other building permits approved for the structure over the last ten years. Therefore, the market value used in the calculations is most current Replacement Cost New Less Depreciation (RCNLD) value. The 2012 RCNLD for the structure as determined by the County's Real Property Assessment Division was \$326,200. The appraisal by Ms. Lewi was dated September 1, 2015 and estimated the RCNLD for the structure to be \$472,600. An estimated value for the cesspool of \$10,000 was added to the appraisal value for an RCNLD of \$482,600.

Mr. Avery Youn
Substantial Improvement Determination for TMK 2-6-007-011
November 24, 2015

Please note that the RCNLD used does not include a value for other onsite improvements such as fencing and driveway.

Cost of Improvements

The construction cost estimate you provided estimated the cost of improvements to be \$248,262. Since this figure included the cost of installing appliances (\$9,070), the total cost of improvements used in this determination was \$239,192 (\$248,262 - \$9,070).

Summary

The cost of improvements compared to the market value is summarized as follows:

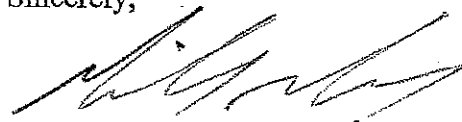
$$\frac{\text{Cost of Improvements (past 10 years): \$239,192}}{\text{Market Value (Appraisal): \$ 482,600}} = 0.495 \text{ or } 49.5\%$$

Since the total cost does not exceed 50% of the market value, the improvement is not considered to be substantial.

Based on our records there were no other permits for the structure within the past ten years. However, if any unpermitted work has been done, or if there are modifications to this application, our determination shall be considered void and the structure must be re-evaluated.

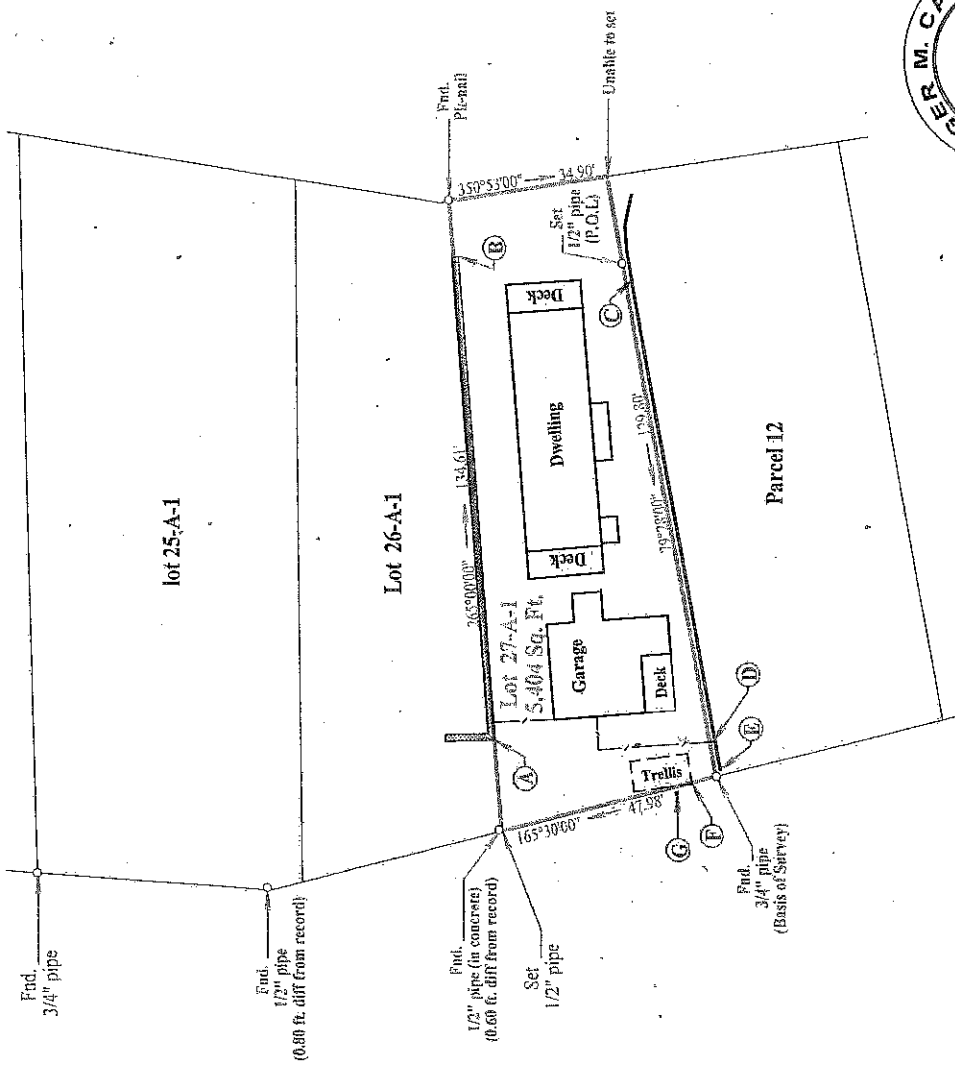
Please note that this substantial improvement determination is provided for Shoreline Setback Ordinances purposes only. The County's Flood Ordinance has different requirements which must be considered when performing a substantial improvement determination for flood purposes. If you have any questions or need additional information, contact Stanford Iwamoto at (808) 241-4896 or siwamoto@kauai.gov.

Sincerely,



MICHAEL MOULE, P.E.
Chief, Engineering Division

SI
Copy to: Design and Permitting



**K-2 SURVEY MAP
SHOWING
LOT 27-A-1**

2658 Puuholo Road

Keawaloa Tract, File Plan 326,

Koloa, Kaua'i, Hawaii

Tax Map Key: (4) 2-6-007: 011

Dates of Field Survey: October 28 & November 19, 2013,
And May 30, 2014



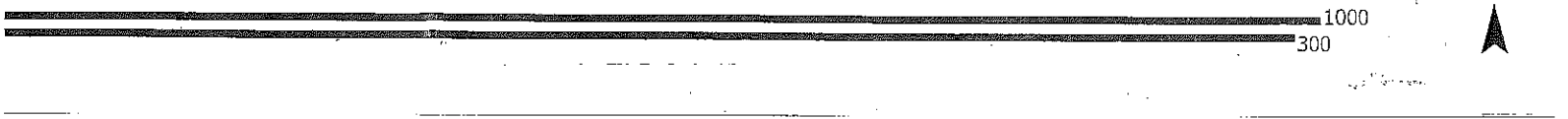
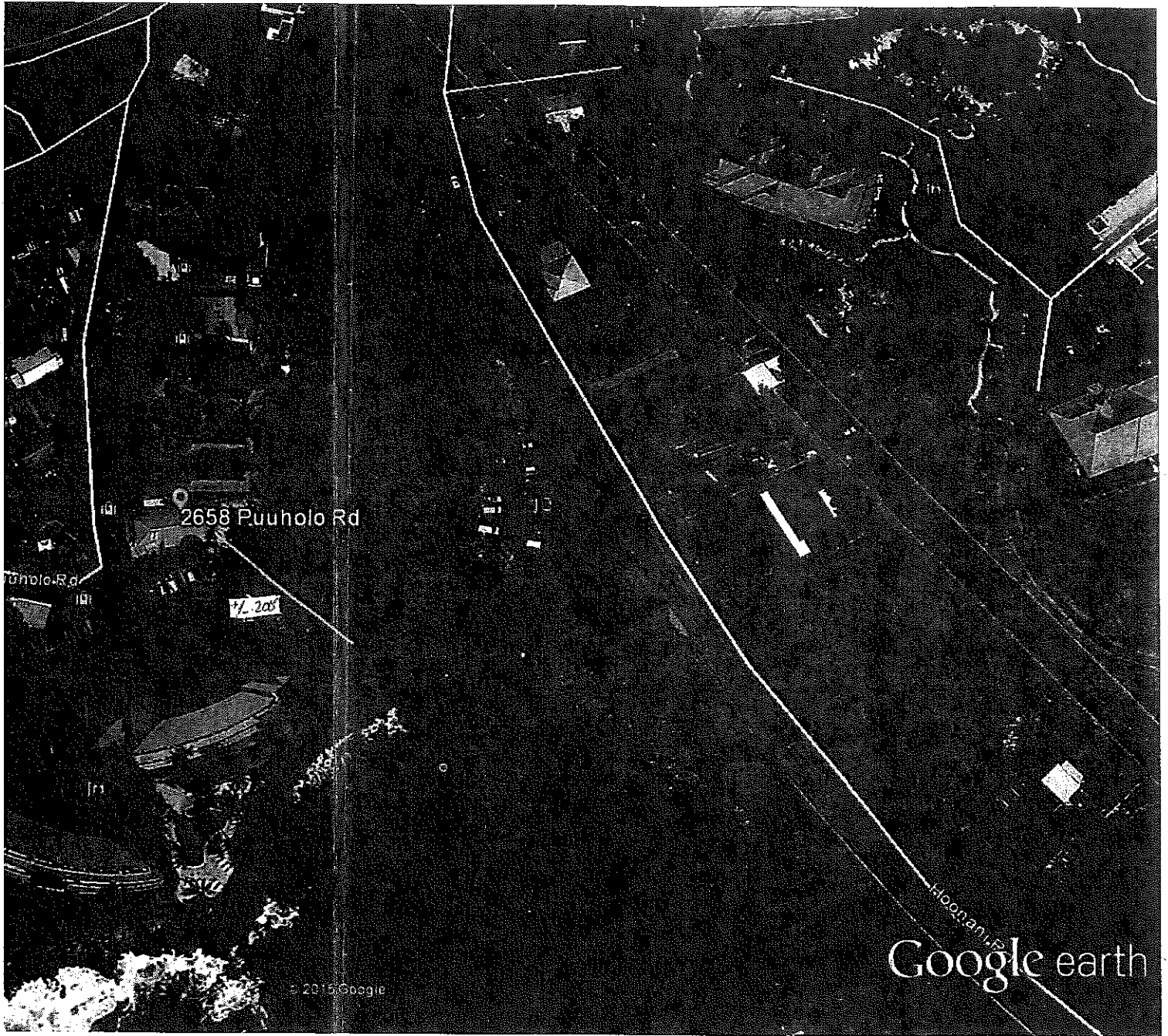
THIS WORK WAS PREPARED BY ME
OR UNDER MY DIRECT SUPERVISION.

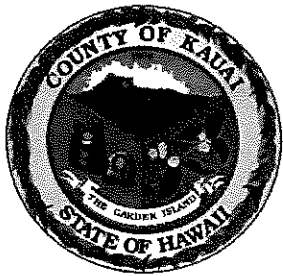
Roger M. Caïres

ROGER M. CAÏRES
Licensed Professional Land Surveyor
Certificate Number 7919
Expires 04/30/16

CLS - HAWAII
Land Surveying & Mapping
PO Box 777
Kalaheo, Kauai, Hawaii 96741
June 2, 2014

N3295K3





PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
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Determination Date:	<u>12/4/15</u>
Planning Commission Date:	<u>12/4/15</u>
Expiration Date:	<u>12/4/16</u>
Planner Assigned:	<u>80</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	KAUAI BEACH RESORT (SFI KAUAI OWNER LLC)
Mailing Address:	4331 KAUAI BEACH DRIVE LIHUE, HI 96766
Phone:	808-246-5500
Email:	dsosner@aquaresorts.com
Applicant's Status: (Check one)	
<input type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District:	RR-20
Tax Map Key(s):	(4) 3-7-003: 015
Land Area:	11.983 AC
Nature of Development: (Description of proposed structure or subdivision)	PLEASE SEE ATTACHED...

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- ☒ Properties Abutting the Shoreline
☐ Project's approximate distance from shoreline: 470'
- ☐ Properties Not Abutting the Shoreline
☐ Project's approximate distance from shoreline: _____
- ☒ Additional Information:
☒ Closest distance of improvement(s) from Shoreline is approximately 470 ft.
☐ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

NONE



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201 - -	
Acceptance Date:	
Website Posting Date:	
Determination Date:	
Planning Commission Date:	
Expiration Date:	
Planner Assigned:	

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

FLAT (SANDY BERM), REEF FRONTAGE

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

REEF SHORELINE, SAND, SAND BERM

- ☐ Artificially armored Shoreline
- ☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____
- ☐ Is the armoring permitted/authorized? _____
- ☐ Date of authorization (attach copy of authorization letter): _____
- ☐ Is property in coastal floodplain (if checked, what zone)? _____
- ☐ Has this property been subject to coastal hazards in the past? (If checked, please describe)

If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kaua'i harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).

Applicant's Signature

Ben Dookchitra, Vice President

10/23/15

Signature

Date

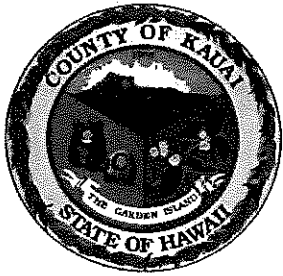
Applicability (to be completed by Planning Department)

☒ Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.

Planning Director or designee

Date

12/4/15



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

Exemption Determination

☐ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))

☐ **Exemption 1**

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☒ **Exemption 2**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

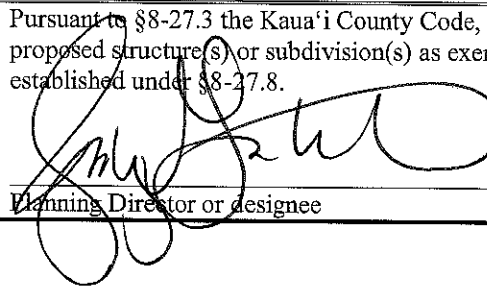
☒ **Exemption 3 #6**

Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)

☐ Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

Exemption Determination (to be completed by Planning Department)

Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.


Planning Director or designee

12/4/15
Date

November 4, 2015

Department of Planning
County of Kauai
4444 Rice Street
Lihue, Hawaii 96766

Re: Application for Shave Ice / Ice Cream Shop at Kauai Beach Resort
TMK: 3-7-03: 15
Lihue, Kauai Hawaii

Please be informed that SFI Kauai Owner LLC, owner of the above-referenced parcel, whose site address is 4331 Kauai Beach Drive, Lihue, Kauai, Hawaii, hereby authorizes Mr. David Sosner, General Manager for Aqua Hotels and Resorts Hawaii, and Avery Youn, Architect, to represent the Applicant before the County of Kauai and its respective agencies, on matters relating to applying for Shoreline Setback, Special Management Area, Zoning and Building Permits required to a Shave Ice/Ice Cream Shop within the existing pool building for the Kauai Beach Resort.

By: _____

Ben Dookchitra
Vice President

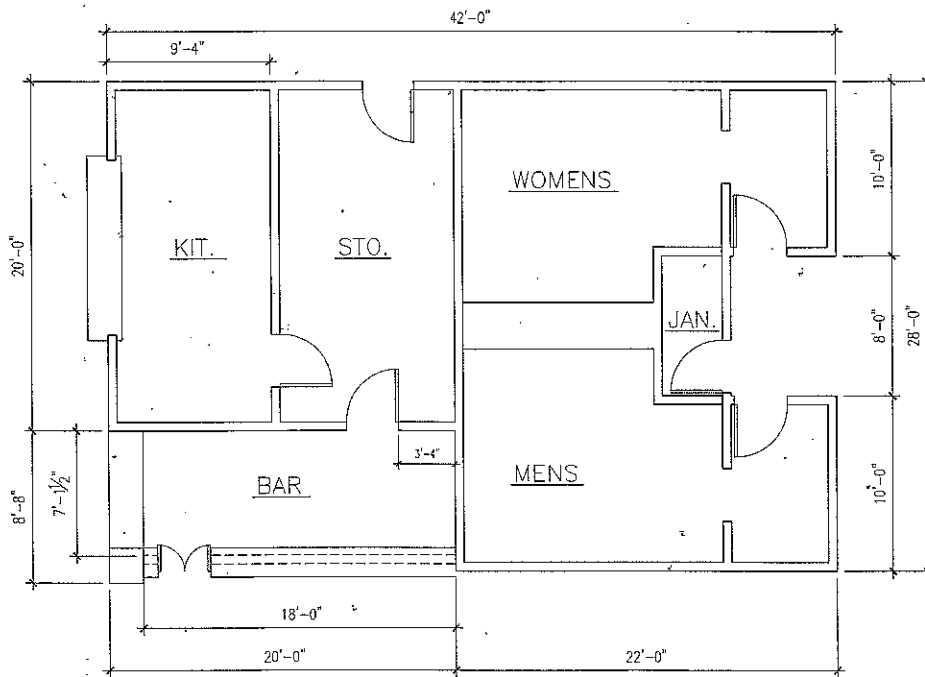
Its: _____

PROJECT DESCRIPTION:

KAUAI BEACH RESORT SHAVE ICE/ICE CREAM SHOP CONVERSION

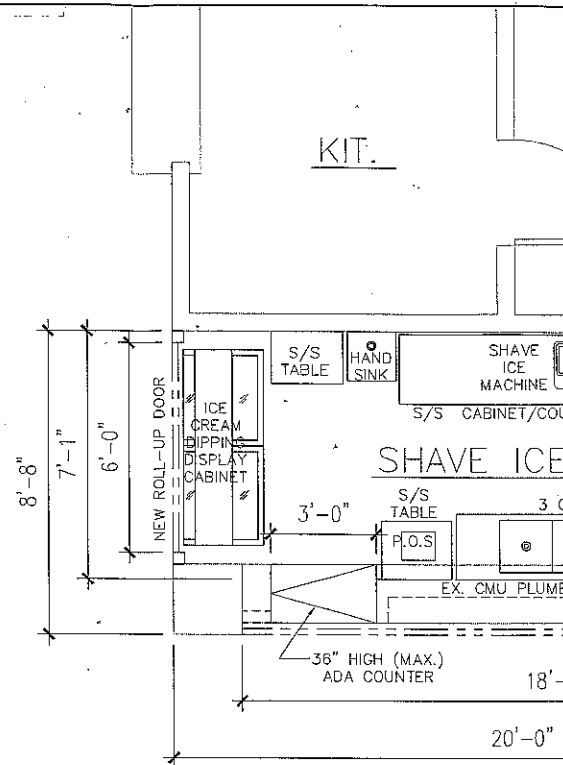
The project involves the interior renovation of a former pool bar, which has been vacant for several years, and converting it into an Ice Cream Shop. The project is located within an existing building which also contains the pool snack bar kitchen, storage room and pool restrooms. Work involves the provision of a refrigerator/freezer, 3-comp. sink, hand wash sink, shave ice machine, ice cream freezer/display cabinet, and P.O.S. station, along with necessary electrical and plumbing improvements. There are no structural improvements, wall relocations or demolition required. Improvements are primarily the installation of new equipment and plumbing fixtures.

The site is not within the flood zone and is approximately 470 feet from the shoreline. The Building was previously CPR'd into 4 units (Units 11, 12, 13 and 14) with a total assessed market value of \$676,000.00 (See Exhibit A). Estimated construction cost of the project is \$15,000.00, mostly for equipment purchases, which will be installed by the Hotel's maintenance personnel.



EXISTING FLOOR PLAN

SCALE: 1/8"=1'-0"



PROPOSED SHAVE ICE BAR PLAN

SCALE: 1/4"=1'-0"

KITCHEN FINISH SCHEDULE

	CERAMIC TILE	STAINLESS STEEL	CONCRETE	SEMIGLOSS LATEX PAINT	SMOOTH FINISH WOOD OR VENEER	COMMENTS
FLOOR	○					
WALLS				○		
COUNTERTOPS					○	
CEILING					○	
NOTE: FINISHES SHOULD BE SMOOTH, NON-ABSORBENT, EASILY CLEANABLE & OF LIGHT COLOR.						

GENERAL NOTES:

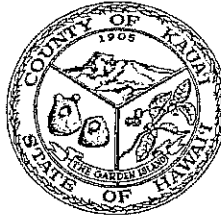
ATTACHED EQUIPMENT SHOULD BE ADEQUATELY SPACED FROM THE WALLS TO PROVIDE FOR EASY ACCESS FOR CLEANING OR IT SHOULD BE SEALED TO THE WALL. FLOOR MOUNTED EQUIPMENT SHALL BE ELEVATED A MINIMUM OF SIX (6) INCHES ABOVE THE FLOOR, BE SEALED TO THE FLOOR OR BE PORTABLE. COUNTER MOUNTED EQUIPMENT SHALL BE ELEVATED A MINIMUM OF FOUR (4) INCHES ABOVE THE COUNTER, SEALED TO THE COUNTER OR BE PORTABLE.

PROVIDE THE MINIMUM OF 20 FOOT CANDLES OF LIGHT ON ALL PREPARATION SURFACES AND AT THE WAREWASHING WORK LEVELS. LAMPS AND BULBS LOCATED OVER OR WITHIN FOOD STORAGE AREAS AND FOOD DISPLAY AREAS SHALL BE SHIELDED, COATED OR SHATTER RESISTANT.

FOOD EQUIPMENT SCHEDULE

ITEM	DESCRIPTION	MODEL #
UNIVERSAL STAINLESS STEEL STORAGE CABINET W/ STAINLESS SWING DOORS		ST-324-72-S (OR SIMILAR)
UNIVERSAL STAINLESS STEEL STORAGE CABINET W/ STAINLESS SWING DOORS		ST-318-48-S (OR SIMILAR)
STAINLESS STEEL SPLASHMOUNT NSF, HAND SINK, 12 LBS.		HS-W-1410-F (OR SIMILAR)
TRUE REACH-IN SOLID SWING DOOR DUAL TEMPERATURE REFRIGERATOR/FREEZER		T-23DT (OR SIMILAR)
3-COMPARTMENT STAINLESS STEEL SINK W/ (2) 18"W. DRAINBOARDS		FE3-1620-18F (OR SIMILAR)
TRUE ICE CREAM DIPPING CABINET FREEZER		TDC-67 (OR SIMILAR)
SHAVED ICE MACHINE BY GOLD MEDAL PRODUCTS CO.		1027 (OR SIMILAR)
P.O.S. CASH REGISTER BY MICROS		

Bernard P. Carvalho, Jr.
Mayor



Larry Dill, P.E.
County Engineer

Nadine K. Nakamura
Managing Director

Lyle Tabata
Deputy County Engineer

DEPARTMENT OF PUBLIC WORKS

County of Kaua'i, State of Hawai'i

4444 Rice Street, Suite 275, Lihue, Hawai'i 96766
TEL (808) 241-4992 FAX (808) 241-6604

November 30, 2015

Avery Youn, Architect
4-1525 Kuhio Highway
Kapaa Hawai'i 96746

Subject: SHORELINE SETBACK APPLICATION
SUBSTANTIAL IMPROVEMENT DETERMINATION
KAUAI BEACH RESORT SHAVE ICE/ICE CREAM SHOP
TMK: (4) 3-7-003: 015 PW 10.15.144

Dear Mr. Youn:

The Kauai County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 979) Section 8-27.2 defines substantial improvement as "any cumulative series of repairs, reconstruction, improvements, or additions to a structure over a ten (10) year period, where the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the first improvement during that ten (10) year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure."

The Department of Public Works (DPW) Engineering Division has reviewed the project that proposes renovating a portion of an existing building into a shave ice/ice cream shop and determined that proposed improvement does not constitute a substantial improvement. The values used in the determination are explained below.

Market Value

There were no other building permits approved for the structure during the past ten years. Therefore, the market value used in the calculations is most current Replacement Cost New Less Depreciation (RCNLD) value available from the County's Real Property Assessment Division. The last value available was for 2015 and was \$676,000.

The Engineering Division has used the RCNLD as determined by the County's Real Property Assessment Division in its calculations. If the owner chooses to dispute this value, then an appraisal of the structure must be provided at the owner's expense. The appraisal shall be prepared by a professional appraiser licensed in the State of Hawai'i and the market value shall be based on the "Cost Approach" (or Replacement Cost New Less Depreciation).

Kauai Beach Resort
Shave Ice/Ice Cream Shop
November 30, 2015

Cost of Improvements

The total cost of improvements is the estimated cost for renovation work. The estimated cost as provided in your letter dated October 23, 2015 is \$15,000.

Summary

The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): } \$15,000}{\text{*Market Value (Real Property): } \$676,000} = 0.0222 \text{ or } 2.2\%$$

The total cost of improvements was then compared to the market value. Since the total cost does not exceed 50% of the market value, the improvement is not considered to be substantial.

Based on our records there were no other permits for the structure within the past ten years. However, if any unpermitted work has been done, or if there are modifications to this application, our determination shall be considered void and the structure must be re-evaluated.

If you have any questions or need additional information, contact Stanford Iwamoto at (808) 241-4896 or siwamoto@kauai.gov.

Sincerely,



MICHAEL MOULE, P.E.
Chief, Engineering Division

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Attachments

Copy: Design and Permitting
 Planning